

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

STEPHEN E. FURBY and REBECCA S. WOITA, on behalf of themselves and on behalf of those similarly situated,	)	CASE NO. 4:10CV3063
	)	
Plaintiffs,	)	ORDER OF DISMISSAL
	)	
v.	)	
	)	
CATHERINE D. LANG, Commissioner of Labor for the Nebraska Department of Labor, in her official capacity,	)	
	)	
Defendant.	)	
	)	
LARRY D. MULLIGAN, BETTY E. SHRADER, DONALD D. HASSE, ALLAN W. AMSBERRY, and HAROLD R. BURTON, on behalf of themselves and on behalf of those similarly situated,	)	CASE NO. 4:10CV3192
	)	
	)	
Plaintiffs,	)	ORDER OF DISMISSAL
	)	
v.	)	
	)	
CATHERINE D. LANG, Commissioner of Labor for the Nebraska Department of Labor, in her official capacity,	)	
	)	
Defendant.	)	

This matter is before the Court on the Plaintiffs' Notices of Dismissal (Filing No. 26 in Case No. 4:10cv3192 and Filing No. 35 in Case No. 4:10cv3063) in which the Plaintiffs seek to dismiss their actions, without prejudice. The filing of the Notices of Dismissal was followed by the Defendant's renewal of her Motions to Dismiss the Plaintiffs' actions, with prejudice (Filing No. 27 in Case No. 4:10cv3192 and Filing No. 37 in Case No. 4:10cv3063). On March 31, 2011, the Defendant responded to the Notices of Dismissal, noting that she "does not contest, nor stipulate to, said motions to dismiss by Plaintiffs."

(Filing No. 41 in Case No. 4:10cv3063 and Filing No. 30 in Case No. 4:10cv3192). Accordingly, pursuant to Fed. R. Civ. P. 41(a)(2), the Court will dismiss the Plaintiffs' actions, without prejudice

\_\_\_\_ IT IS ORDERED:

1. The Plaintiffs' Notices of Dismissal, construed as motions to dismiss (Filing No. 26 in Case No. 4:10cv3192 and Filing No. 35 in Case No. 4:10cv3063) are granted;
2. The above-captioned actions are dismissed without prejudice, the parties to bear their own costs and attorney fees; and
3. All other pending motions are denied as moot.

DATED this 1<sup>st</sup> day of April, 2011.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge